

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WILLIAM MCELROY,

Plaintiff,

v.

KING COUNTY, et al.,

Defendants.

CASE NO. C12-1299RAJ

ORDER

This matter comes before the court on Defendants' motion for reconsideration (Dkt. # 16), which this court recharacterized as a motion to continue the trial date and pretrial deadlines. Plaintiff did not respond to that motion, which led the court to issue an order to show cause why the court should not dismiss this case for failure to prosecute. Plaintiff responded to the order to show cause, but offered no explanation at all for his failure to timely respond to the motion.

Although Plaintiff's response to the order to show cause does not explain its failure to timely respond to Defendants' motion, it does demonstrate that Plaintiff is prepared to try this case. The court accordingly declines to dismiss the case for failure to prosecute.

As to Defendants' motion, the court declines to modify the trial scheduling order. The parties have been cavalier about court deadlines. Defendants request that the court permit them to file a dispositive motion even though they silently allowed the September

1 3 deadline for dispositive motions to pass. Even if Defendants had reasonably believed  
2 that Plaintiff's plan to file for bankruptcy protection would stay this case (Defendants  
3 admit that their belief was mistaken), that is no explanation for allowing the dispositive  
4 motion deadline to pass without notifying the court of their belief.

5 In short, Defendants have not demonstrated good cause for retroactively  
6 modifying the case schedule. Trial is set for December 2. The court currently has a first-  
7 priority case set for the same date. In the event that case does not resolve before trial, and  
8 barring unexpected developments on the court's criminal calendar, trial in this case will  
9 begin no later than December 10. The court's deputy clerk will keep the parties apprised  
10 of any developments impacting the trial date.

11 The court DENIES Defendants' motion (Dkt. # 16) and directs the parties to  
12 prepare for trial.

13 DATED this 25th day of October, 2013.

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17 The Honorable Richard A. Jones  
18 United States District Court Judge  
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